

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SHARON YASIN,

Plaintiff

vs.

MV TRANSPORTATION,
JORGE GONZALES,

Defendant.

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Civ. A. No.: _____

(State Cause No. 1199476)

DEFENDANTS' NOTICE OF REMOVAL

Without waiving any defenses or objections to the Original Petition filed in state court, Defendants MV Transportation and Jorge Gonzales ("Defendants") hereby removes this action to federal court pursuant to 28 U.S.C. § 1331 and 1441. In support thereof, Defendants respectfully show the Court as follows:

I. THE STATE COURT PROCEEDINGS

1. Plaintiff filed her Original Complaint on February 13, 2023, in the Civil Court at Law No. 1, Harris County, Texas. Plaintiff's case was assigned cause number 1199476.

2. Plaintiff's causes of action arise under the laws of the United States, namely the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq. ("ADA").

3. Defendants were served with process on March 2, 2023.

4. No further proceedings have taken place in the state court.

5. As required under 28 U.S.C. § 1446(b), this Notice of Removal is being filed within the 30 days of service of the Original Petition on Defendants.

II. REMOVAL BASED ON A FEDERAL QUESTION

6. Plaintiff alleges in her Original Petition that her claims are brought pursuant to the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq. (“ADA”). *See* Exhibit B, Original Complaint. These are federal statutes.

7. Indeed, Plaintiff’s ADA claim are claims over which this Court has original federal question jurisdiction under 28 U.S.C. § 1331, which states “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Thus, Defendants may and hereby remove this case pursuant to 28 U.S.C. §§ 1441 and 1446.

III. ADDITIONAL MATTERS FOR REMOVAL

8. Under 28 U.S.C. §1441(a), venue lies in the United States District Court for the Southern District of Texas, Houston Division because the state action filed by Plaintiff was filed in this judicial district and division.

9. Pursuant to S.D. Tex. Local R. 81, this Notice of Removal is accompanied by copies of the following:

- a. All executed process in this case (Exhibit A);
- b. Plaintiff’s Original Complaint (Exhibit B);
- c. The state court docket sheet (Exhibit C);
- d. An index of documents being filed (Exhibit D); and
- e. A list of all counsel of record, including address, telephone numbers, and parties represented (Exhibit E).

10. Plaintiff’s Original Complaint contains a jury demand.

11. Defendants will promptly file this Notice of Removal with the clerk of the state court in which this action has been pending.

12. This Notice of Removal has been served on all properly named parties to the removed case.

IV. CONCLUSION

The Court has original jurisdiction over this matter based on federal-question jurisdiction pursuant to 28 U.S.C. § 1331 and 1441. Therefore, and in accordance with 28 U.S.C. § 1446, Defendants remove this action from the Civil Court at Law No. 1, Harris County, Texas to this Court. Defendants pray that this Court take jurisdiction of this action to its conclusion and to final judgment to the exclusion of any further proceedings in state court pursuant to 28 U.S.C. 1441.

Respectfully Submitted,

/s/ Jasmine Harding Adams

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**ATTORNEY- IN-CHARGE FOR
DEFENDANTS**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was filed electronically using the Court's ECF/CM system, which will simultaneously provide notice and service to pro se plaintiff on this 22nd day of March 2023:

Sharon Yasin
7225 Bellerive, Unit 212
Houston, Texas 77036
Nu.motionfile@gmail.com

PRO SE PLAINTIFF

s/ Jasmine Harding Adams
Jasmine Harding Adams